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January 18, 2023

VIA E-FILE

Derek Johnson
National Labor Relations Board
Region 25

Re: International Brotherhood of Electrical Workers, Local 601 (Denk & Roche Builders, Inc.), Case 25-CD-309957

Dear Mr. Johnson:

This letter is to advise the Region that Charging Party IBEW, Local 601 is unequivocally and without qualification disclaiming interest in the work in dispute in this matter: "The racking and mounting of solar panel modules at the LaSalle 1 and LaSalle 2 fields of the Streator Solar Development solar farm project near Streator, Illinois." Enclosed also find letters sent by IBEW, Local 601 to Denk & Roche, disclaiming that Local 601 seeks Denk & Roche to assign that work to Local 601-represented employees, and to (b) (6), (b) (7)(C) dismissing the internal charge against (b) (6), (b) (7)(C).

Based on the above, the attached letters, and evidence previously presented, Local 601 requests that the hearing pursuant to section 10(k) be quashed and that the unfair labor practice charge be dismissed. This pleading and the enclosed letters constitute a clear, unequivocal, and unqualified disclaimer of interest in the work in dispute. Local 601 is not asking Denk & Roche to assign the work at issue to Local 601-represented employees and Local 601 is not taking action against (b) (6), (b) (7)(C) related to the assignment of the work in dispute. This pleadings and the letters therefore eliminate the existence of a jurisdictional dispute. *Laborers' Int'l Union of N. Am.*, 206 NLRB 807, 808 (1973) (quashing notice of hearing after union informed the Region that it disclaimed interest in work in dispute; "a jurisdictional dispute no longer exists where . . . one of the competing unions or parties effectively renounces its claim to the work").

There is no evidence of inconsistent actions with this disclaimer. Local 601 is not picketing the LaSalle 1 and 2 sites (and it last bannered the Kernan field in October 2022). Local 601-represented employees have not been performing the work in dispute at the LaSalle 1 and 2 sites. And, the prevailing wage complaints filed with the state of

Illinois are not claims of work and do not seek the re-assignment of work but merely request the payment of the correct wage rate to existing employees doing that work.¹ Further, Local 601's disclaimer is co-extensive with the work in dispute. There is no basis to expand the case to other projects. In general, the Board limits its determination to the controversy at the particular project that gave rise to the proceeding. See, e.g., *Operating Eng'r Local 3, AFL-CIO*, 308 NLRB 154, 156 (1992) (notwithstanding employer's arguments, confining award to one project). Moreover, there is no evidence that Local 601 will use illegal means to obtain assignments on other jobs. *Gen. Bldg. Laborers' Local Union No. 66*, 209 NLRB 611, 612 (1974) (no evidence the disclaiming union acted inconsistently with the disclaimer and contention that union may seek to have work assigned to its members at future job sites does not render disclaimer ineffective "since there is no evidence that it will use illegal means to obtain the assignment"); see also *Glaziers, Architectural, Metal & Glass Workers*, 321 NLRB 101, 103 (1996) (rejecting employer argument to extend award to future projects, and limiting it to the jobsite, because there is no indication that union "is likely to engage in unlawful conduct in pursuit of work similar to the work in dispute at future projects.").

In conclusion, Local 601 requests the Region to quash the hearing in the section 10(k) proceeding and to dismiss the charge.

Sincerely,



Chris Grant

Enc: Letter to Denk & Roche

Letter to (b) (6), (b) (7)(C)

Cc: (b) (6), (b) (7)(C) IBEW, Local 601, via e-mail

898100.docx

¹ The prevailing wage complaints also are protected free speech under the *Noerr-Pennington* doctrine.

Christopher N. Grant

From: (b) (6), (b) (7)(C) @ibew601.org>
Sent: Wednesday, January 18, 2023 10:57 AM
To: (b) (6), (b) (7)(C) @denkandroche.com
Cc: (b) (6), (b) (7)(C) @pepperconstruction.com
Subject: Lasalle 1 & 2
Attachments: Denk & roche.pdf

Good Morning,

Please see the attached

Thanks,

(b) (6), (b) (7)(C)

IBEW Local 601
3301 N Boardwalk Drive
Champaign IL, 61822
217-352-1741 Phone
217-352-9210 Fax



LOCAL UNION NO. 601

3301 NORTH BOARDWALK DRIVE P.O. BOX 3902 CHAMPAIGN, ILLINOIS 61826-3902
217-352-1741 • Fax: 217-352-9210

VIA E-MAIL (b) (6), (b) (7)(C) @denkandroche.com)

(b) (6), (b) (7)(C)

Dear Sir:

I am the (b) (6), (b) (7)(C) of IBEW, Local 601. This letter is to inform you that IBEW, Local 601 hereby disclaims that Denk & Roche Builders, Inc. should assign the work of racking and mounting of solar panel modules to workers represented by Local 601 at the LaSalle 1 and LaSalle 2 fields of the Streator Solar Development near Streator, Illinois. This disclaimer does not apply to any other employer or project.

Sincerely,

(b) (6), (b) (7)(C)

Cc: (b) (6), (b) (7)(C) Pepper Construction, via e-mail

Christopher N. Grant

From: (b) (6), (b) (7)(C)@ibew601.org>
Sent: Wednesday, January 18, 2023 10:59 AM
To: (b) (6), (b) (7)(C)
Subject: IBEW Local 601
Attachments: (b) (6), (b) (7)(C).pdf

(b) (6), (b) (7)(C)

Please see the attached.

Thanks,

(b) (6), (b) (7)(C)

IBEW Local 601
3301 N Boardwalk Drive
Champaign Il, 61822
217-352-1741 Phone
217-352-9210 Fax



INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS

LOCAL UNION NO. 601

3301 NORTH BOARDWALK DRIVE P.O. BOX 3902 CHAMPAIGN, ILLINOIS 61826-3902
217-352-1741 • Fax: 217-352-9210

January 18, 2023

VIA US MAIL

(b) (6), (b) (7)(C)

Card # (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)

Dear (b) (6), (b) (7)(C)

This letter is to advise you that IBEW, Local 601 will not pursue the internal charge filed against you by (b) (6), (b) (7)(C) for your involvement in the assignment of the work of racking and mounting of solar panel modules at the LaSalle 1 and LaSalle 2 fields of the Streator Solar Development near Streator, Illinois. Local 601 will dismiss the charge, will not file a new charge against you over that conduct, and will not penalize or fine you or seek to collect any penalty or fine from you for the conduct described above.

If you have any questions regarding this matter, feel free to contact me.

Fraternally yours,

(b) (6), (b) (7)(C)